

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

AT MARTINSBURG

JESSICA B. BOWERS,

Plaintiff,

v.

CIVIL ACTION NO. 3:23-cv-00119

JEFF S. SANDY,
*individually and in his official capacity as
the former Cabinet Secretary of the West Virginia
Department of Homeland Security, and*
BETSY JIVIDEN,
*individually and as a former employee of the West Virginia
Division of Corrections and Rehabilitation, and*
DIDYMUS TATE,
*individually and as an employee of the West Virginia
Division of Corrections and Rehabilitation, and*
JOHN/JANE DOE UNKNOWN EMPLOYEES OR
AGENTS OF THE WEST VIRGINIA DIVISION
OF CORRECTIONS AND REHABILITATION,
*individually and as employees or agents of the West
Virginia Division of Corrections and Rehabilitation, and*
ASHLEY FISHER,
individually and as an employee of PrimeCare, and
LISA BEARD,
individually and as an employee of PrimeCare, and
KELSEY SHANK,
individually and as an employee of PrimeCare, and
CHRISTIN BELL,
individually and as an employee of PrimeCare, and
BRENDA EAGLE,
individually and as an employee of PrimeCare, and
CHRISTINA WAY,
individually and as an employee of PrimeCare, and
CHELSEA MCCRORK,
individually and as an employee of PrimeCare, and
MORTICIA MARSHALL,
individually and as an employee of PrimeCare, and
BRANDY SCOTT,
individually and as an employee of PrimeCare, and

ALFRED BALDERA,
individually and as an employee of PrimeCare, and
PRIMECARE MEDICAL, INC., and
PRIMECARE MEDICAL OF WEST VIRGINIA, INC.,

Defendants.

ORDER

On March 5, 2024, Plaintiff moved for leave to amend her complaint [ECF 90] in order to (1) substitute the identities of certain John/Jane Doe defendants, (2) add a spoliation of evidence count for failure to preserve evidence, and (3) present an alter ego theory for Defendants PrimeCare Medical, Inc. and PrimeCare Medical of West Virginia, Inc. [*Id.* at 1]. The transferor court granted in part and denied in part the motion on May 16, 2024. The order allowed Plaintiff's requested amendment to the extent sought, except as to (2) above. [ECF 102].


On June 26, 2024, Plaintiff filed the Amended Complaint [ECF 107]. It appears Plaintiff added – without authorization -- a declaratory judgment claim.

The Court **ORDERS** Plaintiff to show good cause in writing, **no later than December 27, 2024**, (1) why she added a declaratory judgment claim without leave of court, and (2) why a monetary sanction order should not issue as to Plaintiff's counsel, jointly and severally, in the minimum amount of \$5,000.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: December 17, 2024




Frank W. Volk
Chief United States District Judge